REMARKS

The Examiner's Action mailed on April 11, 2008, has been received and its contents carefully considered. Reconsideration of the final rejections presented therein is requested for at least the following reasons.

In this Response, Applicant has made no amendments. Claim 1 is the sole independent claim, and claims 1-3 and 9 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

Applicant has received no indication whether or not the replacement drawing sheets submitted on July 23, 2007 have been entered. It will be assumed that all replacement drawings have been entered.

Claims 1-3 and 9 were rejected under 35 USC §103(a) as obvious over the combination of *Gentry et al.* (US 2001/0003341 A1) with *Witmer* (US 3,097,780). This rejection is respectfully traversed.

Claim 1 presently recites: "A packaging container molded of a synthetic resin sheet in a predetermined shape having an opening, comprising: a flange provided at said opening, said flange projecting outwardly from said opening; wherein *said flange is provided with regularly formed minute projections or minute recesses arranged in a pattern of at least two rows and at least two columns*; and *an outer peripheral edge of the flange forms a vertically corrugated edge* defined by a line crossing the minute projections or minute recesses" (*emphasis added*).

The Office Action, as per the previous Office Action, admits that the waves **20** in *Gentry et al.* are not "arranged in a pattern of at least two rows" and then alleges that the bosses (**15**, **15a**) or flats (**16**, **16a**) of *Witmer* are "arranged in a pattern of at least two rows and at least two columns".

The Office Action further states, again in repetition of the language of the Office Action of December 12, 2007, that "It would have been obvious to modify the arrangement of the projections and recesses of Gentry by adding another row of projections or recesses or both to Gentry's flange and to align the added row so that the projections or recesses align in columns in order to add rigidity to the flange, eliminate or reduce flexing of the flange and resist bending of the flange so that when the container is grasped and lifted by the flange the flange doesn't bend".

In response to Applicant's arguments filed March 12, 2008, the present Office Action now adds, without removing any of the above language, that "the modification" (i.e. according to the teachings of *Witmer*) "has been made in substitution of Gentry's corrugated structure". This is not consistent with "...*adding another row* of projections or recesses or both to Gentry's flange and to align *the added row* so that the projections or recesses align in columns in order to add rigidity to the flange ..." (*emphasis added*) as quoted above from the Office Action, but substitution rather than addition will now be discussed for sake of argument.

Applicant respectfully submits that combining the references in such a way, that is to say employing the bosses (**15**, **15a**) or flats (**16**, **16a**) of *Witmer* "in substitution of" the waves **20** (i.e. the corrugated edge) of *Gentry et al.*, would result in a plate that had a rim (or flange) merely as taught by *Witmer*. However, *Witmer* fails to teach or suggest that "an outer peripheral edge of the flange forms a vertically corrugated edge" as recited in claim 1. Thus, a combination that employs the bosses (**15**, **15a**) or flats (**16**, **16a**) of *Witmer* "in substitution of" the waves **20** of *Gentry et al.* fails to teach or suggest all the elements of claim 1, and therefore claim 1 patentably distinguishes thereover.

Further, the present Office Action now also states that "the examiner doesn't find that an accordion like rim with the capability of flattening is inconsistent with a rim that also has corrugations to provide bending resistance" and asserts that "The addition of bending resistance doesn't conflict with the relieving of hoop stress at the flanged rim". Applicant respectfully disagrees, as will be discussed below in greater detail.

Gentry et al. describes a container **10** with a flexible rim **16**, which "forms periodic waves **20**, i.e., undulations or ridges, encompassing the upper portion **18** of the side wall **14**" (from ¶[0019]).

As previously noted, an object of *Gentry et al.* is to provide a flexible rim (¶[0004]) to prevent cracking from occurring due to tensile loads exerted onto the flange when food products are loaded into a disposable plastic container

(¶¶[0002] and [0003]) and the container is handled by a consumer. Therefore, *Gentry et al.* discloses a rim having waves, which act like an accordion and increases the perimeter, more particularly allowing the rim to flatten, thereby reducing the hoop stress. By reducing the hoop stress, the tendency of the rim to crack or break is minimized (¶[0006]).

In contrast, *Witmer* discloses a one piece paper plate **10** in which "Extending outwardly and slightly upwardly from the upper edge of the wall **12** is a rim generally designated **13** which terminates at its outer free edge in a downturned skirt **14**" (column 2, lines 8-11) and where concentric circles of staggered bosses **15** or **15a** and flats **16** or **16a** respectively are provided in the rim **13**, but not in the downturned skirt **14**. The bosses (**15**, **15a**) and flats (**16**, **16a**) improve the rigidity of the centre portion of the rim **13**, but if the edge of the rim, i.e. the downturned skirt **14** included such bosses (**15**, **15a**) and flats (**16**, **16a**), then the rim would not be rigid.

An object of *Witmer* is to provide a paper plate composed of thin fibreboard or paperboard, which has an improved rigidity to prevent bending at a grasped edge and to prevent food products on the plate from spilling over the edge. *Witmer* therefore discloses a paper plate constructed such that the plate is not easily bent, having a rim formed with projections regularly arranged in a staggered relationship as described above.

Thus, *Gentry et al.* and *Witmer* have entirely opposite reasons for having a rim "provided with regularly formed minute projections or minute recesses arranged in a pattern". That is, the waves **20** of *Gentry et al.* are provided to "allow the rim to flatten" (e.g., ¶[0006]), whilst the bosses (**15**, **15a**) and flats (**16**, **16a**) of *Witmer* are provided "to improve the bending resistance" (e.g., column 2, lines 12-26).

Consequently, to apply the arrangement of bosses and flats of *Witmer* to the rim of *Gentry et al.* teaches away from *Gentry et al.*, because it is an object of *Gentry et al.* to "allow the rim to flatten" to relieve stress, whereas the arrangement of bosses and flats of *Witmer* would make the rim more rigid and less able to flatten.

Moreover, as quoted above, the present Office Action states that the reason to combine the references is "to add rigidity to the flange, eliminate or reduce flexing of the flange and resist bending of the flange", which again teaches away from *Gentry et al.*, which has as an object to "allow the rim to flatten".

In fact, it is likely that the structure shown in *Witmer* would make it very difficult to flatten the rim, precisely because the bosses (**15**, **15a**) and flats (**16**, **16a**) of *Witmer* are in a staggered relationship from one row to another, that is "the bosses are staggered in a radial direction so that the bosses in every other circle are in radial alignment" (*Witmer*, column 2, lines 37-38). Hence either adding or substituting staggered bosses in the manner of *Witmer* to the invention of *Gentry*

et al. would tend to prevent the rim from flattening, whereas one of the objects of *Gentry et al.* is to "allow the rim to flatten". Thus, whether or not increasing bending resistance is compatible with reducing stress, the staggered bosses (**15**, **15a**) and flats (**16**, **16a**) of *Witmer* still teach away from *Gentry et al.*, so that such a combination would be improper.

Consequently, claim 1 patentably defines over *Gentry et al.* and *Witmer*, whether taken separately or in combination, and is allowable, together with claims 2, 3 and 9 that depend therefrom.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should any remittance be required, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,

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Date

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